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9 *Direct Purchaser Plaintiffs*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 IN RE: CATHODE RAY TUBE (CRT)
14 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

15 This Document Relates to:

16 *ALL DIRECT PURCHASER ACTIONS*

**DECLARATION OF R. ALEXANDER
SAVERI IN SUPPORT OF DIRECT
PURCHASER PLAINTIFFS' REPLY
MEMORANDUM IN SUPPORT OF THEIR
MOTION FOR CLASS CERTIFICATION
WITH RESPECT TO THE IRICO
DEFENDANTS**

19 Date: March 31, 2022

20 Time: 2:00 p.m.

Judge: Hon. Jon S. Tigar

21 Ctrm: 6, 2nd Floor

1 I, R. Alexander Saveri, declare:

2 1. I am the Managing Partner of Saveri & Saveri, Inc., Interim Lead Counsel for Direct
3 Purchaser Plaintiffs (“DPPs”) in this action. I am a member of the Bar of the State of California
4 and admitted to practice in the Northern District of California. I have been involved in virtually
5 every aspect of this case from its outset in 2007. I make this Declaration in Support of DPPs’ Reply
6 Memorandum in Support of Their Motion for Class Certification with Respect to the Irico
7 Defendants. Except as otherwise stated, I have personal knowledge of the facts stated below.

8 2. In April, 2021 Dr. Leitzinger informed me that he was not available to prepare an
9 expert report in support of DPPs’ Motion for Class Certification with Respect to the Irico
10 Defendants. Dr. Johnson was an obvious choice because, like Dr. Leitzinger, he is a Managing
11 Director at Econ One, an experienced and qualified expert economist, and has worked on this
12 matter since Econ One’s initial retention. It is my understanding that Dr. Johnson has logged over
13 1,500 hours on this matter and led the team assisting Dr. Leitzinger.

14 3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the deposition
15 of Phillip M. Johnson, Ph.D., dated January 11, 2022.

16 4. I am unaware of any objections by direct purchaser class members to the
17 appointment of the following class representatives to represent their interests as members of the
18 classes certified to date: Arch Electronics, Inc.; Crago Corp. d/b/a Dash Computers, Inc.; Meijer,
19 Inc. and Meijer Distribution, Inc.; Nathan Muchnick, Inc.; Princeton Display Technologies, Inc.;
20 Radio & TV Equipment, Inc.; Studio Spectrum, Inc.; and Wettstein and Sons, Inc. d/b/a
21 Wettstein’s.

22 5. Attached hereto as Exhibit 2 is a true and correct copy of a letter from Geoffrey C.
23 Rushing of Saveri & Saveri, Inc., counsel for DPPs, to Evan J. Werbel of Baker Botts LLP, counsel
24 for the Irico Defendants, dated January 26, 2022.

25 6. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Mr. Werbel
26 to Mr. Rushing, dated January 27, 2022.

27 7. Irico’s claim that its pricing-related conduct was compelled by the Chinese
28 government is a disputed issue. DPPs contend that these purported price floors, if they existed, had

1 no practical effect.

2 8. Irico's claim that it cannot be liable for damages prior to July 31, 1998 is a disputed
3 issue. DPPs have recently discovered evidence showing Irico's attendance at conspiratorial
4 meetings from the outset of the conspiracy. In addition, to the extent Irico joined the conspiracy at
5 a later date, DPPs contend that it did so with knowledge of the prior existence of the conspiracy,
6 and so would be liable for all damages.

7
8 I declare under the penalty of perjury under the laws of the United States of America that
9 the foregoing is true and correct.

10 Executed this 4th day of March, 2022 in San Francisco, California.

11
12 /s/ R. Alexander Saveri
R. Alexander Saveri

EXHIBIT 1

In the Matter Of:

IN RE: CATHODE RAY TUBE ANTITRUST LITIGATION

PHILLIP M. JOHNSON, PH.D.

January 11, 2022



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: CATHODE RAY TUBE)
(CRT) ANTITRUST LITIGATION,) Case No.
RELATED TO:) 4:07-cv-05944-JST
ALL DIRECT PURCHASER ACTIONS) MDL No.
1917

REMOTE VIDEOTAPED DEPOSITION OF
PHILLIP M. JOHNSON, Ph.D.
TUESDAY, JANUARY 11, 2022

Reported in Stenotype by:
Cody R. Knacke, RPR, CSR No. 13691
Job No.: 825149

1 whatever region they occur.

2 BY MR. CARTER:

3 Q. Did you do any analysis to determine
4 whether looking at other regions would bring more
5 idiosyncratic elements to be more at the fore, as
6 you put it?

7 A. No, I haven't -- I haven't looked into that
8 question.

9 Q. On the previous page, page 43, paragraph
10 66, you write, "Presumably then, a global
11 price-fixing conspiracy would have impacted the U.S.
12 and CRT prices in North America would track those
13 elsewhere in the world."

14 When you say "CRT prices in North America
15 would track those elsewhere in world," you're not
16 arguing that North America CRT price changes were
17 caused by price changes in the rest of the world,
18 are you?

19 MR. RUSHING: Objection to form.

20 THE WITNESS: I'm not making a -- as stated
21 here, this isn't a causal statement. It's saying
22 that they track together, which is they move
23 together. Certainly in terms of causal
24 relationships, I think there are -- there is a
25 causal connection here. Talk about target prices

1 and those being collusion of the coconspirators and
2 that having a causal impact on pricing worldwide,
3 including in the U.S. and North America. So there
4 are some causal relationships to talk about here,
5 but this statement as written here is talking about
6 co-movements.

7 BY MR. CARTER:

8 Q. And your analysis in figures 14 and 15
9 doesn't show a causal relationship between
10 North American prices and China prices; correct?

11 A. I don't think I would agree with that
12 necessarily. There's -- I mean, when you say it
13 doesn't show a causal relationship, they're
14 connected, and I think that pricing changes in one
15 region or if there are -- there are pricing effects
16 in one region, how those can potentially flow across
17 to other regions.

18 But these are an illustration of price
19 movements in the price chart, so it doesn't go to
20 what is the nature of those connections, but showing
21 that there is the -- are those connections.

22 Q. So it doesn't show that North American
23 prices are causing Chinese prices or vice versa;
24 correct?

25 MR. RUSHING: Object to the form.

1 THE WITNESS: By itself, it doesn't say
2 that.

3 BY MR. CARTER:

4 Q. And it doesn't rule out that external
5 factors might be causing China prices and
6 North America prices to move in similar ways; right?

7 MR. RUSHING: Object to the form.

8 THE WITNESS: I'm sorry. Let me just make
9 sure I got the question right. You asked it doesn't
10 rule out that external factors might be causing
11 Chinese prices and rest of world prices to move in
12 the same way? Is that your question?

13 BY MR. CARTER:

14 Q. Similar ways.

15 A. Similar ways.

16 MR. RUSHING: Object to the form.

17 THE WITNESS: Certainly there could be a --
18 common factors affecting -- that would affect both,
19 including the common factor of a cartel that is
20 impacting prices of both -- determining prices
21 worldwide, including both.

22 BY MR. CARTER:

23 Q. And these charts don't show whether that
24 common factor might be a cartel or anything else;
25 correct?

1 MR. RUSHING: Object to the form.

2 THE WITNESS: It's a chart of prices. It
3 doesn't -- yeah, it illustrates the relationship --
4 the relationship of prices across these regions. It
5 doesn't break that relationship down into
6 components.

7 BY MR. CARTER:

8 Q. Isn't it true that even a high degree of
9 correlation does not imply a causal relationship?

10 MR. RUSHING: Objection to form.

11 THE WITNESS: I would agree with that. I
12 would just add that observances of high degrees of
13 correlation can be supportive of there being a
14 causal relation. Also, it can depend upon the
15 nature of the correlations you examine. But in and
16 of itself, correlation isn't causation.

17 BY MR. CARTER:

18 Q. It's fair to say that looking at figures 14
19 and 15, the three price lines for North America,
20 China and rest of world price indices are all
21 trending downwards as CRT prices fell over time;
22 correct?

23 MR. RUSHING: Objection to the form.

24 THE WITNESS: I think as far as how I want
25 to address this trend would be done in different

1 gone through every page, but I presume it's the
2 report.

3 MR. TALADAY: We'll represent to you that
4 it's the report we received.

5 BY MR. TALADAY:

6 Q. Dr. Johnson, does the report that you
7 submitted in this case reflect your opinions with
8 respect to class certification?

9 A. It reflects my opinions on the assignment I
10 was given, which was described there, which relates
11 to some economic questions related to class
12 certification.

13 Q. And do those opinions reflect your judgment
14 about how to analyze those issues?

15 MR. RUSHING: Object to the form.

16 THE WITNESS: I analyzed them in this
17 matter, so I certainly judged that this is an
18 appropriate way to analyze those questions.

19 BY MR. TALADAY:

20 Q. So it reflects your judgment then?

21 A. My judgment, yes.

22 Q. And does it reflect your judgment about the
23 variables to consider when you conduct the tests
24 that you used to analyze these issues?

25 MR. RUSHING: Object to the form.

1 THE WITNESS: I'm not sure what test you're
2 referring to.

3 BY MR. TALADAY:

4 Q. Well, you conduct numerous tests, right,
5 throughout the report; is that correct?

6 MR. RUSHING: Object to the form.

7 THE WITNESS: I'm not sure that I do. What
8 tests are you referring to?

9 BY MR. TALADAY:

10 Q. Well, for example, the correlation studies,
11 there's a hedonic regression, there's a regression
12 analysis you used to estimate overcharges. Those
13 are all tests within your report; is that correct?

14 MR. RUSHING: Object to the form.

15 THE WITNESS: I don't think I characterize
16 them as tests. And I don't really think I agree
17 with that characterization either. The --

18 BY MR. TALADAY:

19 Q. How would you characterize them?

20 A. Well, as you recall, the overcharges
21 analysis, that provides an estimate of the
22 overcharges. So I would characterize that as an
23 estimation of overcharges in this matter.

24 Q. Do the estimations and analyses that you
25 conducted in the course of your report reflect your

1 judgment about the variables to include in those
2 estimations and analyses?

3 MR. RUSHING: Object to the form.

4 THE WITNESS: Certainly I used my judgment
5 in these analyses and determined that they were
6 appropriate for the questions I'm addressing.

7 BY MR. TALADAY:

8 Q. Ultimately this is your opinion and you
9 stand by the methodologies and conclusions that you
10 reached as you wrote this report; is that correct?

11 MR. RUSHING: Object to the form.

12 THE WITNESS: Yes, I do.

13 BY MR. TALADAY:

14 Q. And you also provided a list of source
15 material that you relied on in preparing your
16 report; is that correct?

17 A. Yes, I did.

18 Q. And was that list of source material
19 complete and accurate?

20 MR. RUSHING: Object to the form.

21 THE WITNESS: To my knowledge, it should be
22 complete and accurate.

23 MR. TALADAY: All right, Tom, could you
24 please bring up Exhibit 8545 and turn to paragraph 8
25 on page 3.

1 BY MR. TALADAY:

2 Q. And, Dr. Johnson, I understand that you
3 also have a hardcopy of this exhibit. And if you
4 prefer to refer to your hardcopy, I'm comfortable
5 with that.

6 A. I'm comfortable either way.

7 Q. All right. Could you please read the
8 introductory clause of paragraph 8 prior to the
9 subbullets.

10 A. (As Read:) "In the course of my work on
11 this assignment, my staff and I have reviewed
12 extensive data, documents and testimony developed
13 through the course of discovery in this case. A
14 list of the materials we have reviewed is included
15 in Exhibit 2. Based upon my review and analysis of
16 these materials, I have concluded that there is
17 evidence common to members of the proposed Class
18 that is sufficient to prove widespread impact. This
19 evidence involves:" and it goes through the bullet
20 points where you asked me to stop.

21 Q. So this reflects your conclusion that there
22 is evidence common to the members of the proposed
23 class; is that correct?

24 MR. RUSHING: Object to the form.

25 THE WITNESS: Yes.

1 BY MR. TALADAY:

2 Q. And then beneath that there are ten
3 subbullets that identify evidence supporting that
4 conclusion.

5 Could you please read the first eight of
6 those bullet points.

7 A. "The broad extent of communication and
8 cooperative activities within the alleged
9 conspiracy; Activities that would have assisted the
10 alleged conspiracy in constraining outputs of CRTs;
11 The alleged conspiracy's control over the vast
12 majority of sales; Regression analysis showing
13 prices of CRTs to be largely determined by factors
14 that are common to Class Members; Jointly determined
15 'Target Prices' for CRTs representing the vast
16 majority of total sales; Structural elements in CRT
17 pricing that tended to link prices for CRTs of
18 different types and sizes; Regression analysis
19 showing that 'Target Prices' established through
20 alleged conspiracy had a demonstrable effect on
21 actual prices paid; The existence of other market
22 characteristics which would be expected, as an
23 economic matter, to cause the effects of
24 conspiratorial behavior to be felt broadly across
25 customers."

1 Q. Thank you, Dr. Johnson.

2 MR. TALADAY: Tom, could you please
3 identify as Exhibit 8548 the report of
4 Dr. Leitzinger in In Re: Cathode Tube (CRT)
5 Antitrust Litigation, relating to Crago, d/b/a Dash
6 Computers, Inc., et al., the Mitsubishi
7 electronic -- Electric Corporation, et al., Case No.
8 14-CV-2058 SC.

9 We'll mark this as Exhibit 8548.

10 (Exhibit 8548 was marked for identification
11 by the Certified Shorthand Reporter, and a
12 copy is attached hereto.)

13 BY MR. TALADAY:

14 Q. Dr. Johnson, do you recognize this
15 document?

16 A. Yes, I do.

17 Q. And who is Dr. Leitzinger?

18 A. Dr. Leitzinger is a managing director at
19 Econ One Research.

20 MR. TALADAY: Tom, could you please turn to
21 paragraph 6 of this report.

22 BY MR. TALADAY:

23 Q. Dr. Johnson, could you please read
24 paragraph 6 of this report.

25 A. (As Read:) "In the course of my work on

1 this assignment, my staff and I have reviewed
2 extensive data, documents and testimony developed
3 through the course of discovery in this case. A
4 list of the materials we have reviewed is included
5 as Exhibit 2. Based upon my review and analysis of
6 these materials, I have concluded there is evidence
7 common to members of the proposed Class that is
8 sufficient to prove widespread impact. This
9 evidence includes -- involves."

10 Q. And, Dr. Johnson, is it correct that the
11 eight bullet points following the colon are
12 identical to the first eight bullet points in
13 paragraph 8 of your report?

14 MR. RUSHING: Object to the form.

15 THE WITNESS: Give me a moment to confirm
16 that.

17 With minor difference, yes, they're the
18 same words.

19 BY MR. TALADAY:

20 Q. What minor difference do you note?

21 A. The -- there's a different placement of the
22 word "and" in the Leitzinger list, as there are a
23 different number of elements in the list from my
24 report.

25 Q. With the exception of the word "and," those

1 words are identical; is that correct?

2 A. Through -- through the first eight bullet
3 points, I believe that's correct.

4 Q. And looking again at Dr. Leitzinger's
5 report in paragraph 6, those are the words that
6 Dr. Leitzinger chose to reflect his opinion and the
7 evidence involved in reaching that opinion.

8 Is that how it appears to you?

9 MR. RUSHING: Object to the form.

10 THE WITNESS: Those are the words in
11 Dr. Leitzinger's report.

12 BY MR. TALADAY:

13 Q. And that was Dr. Leitzinger's report. It
14 wasn't someone else's report; correct?

15 A. It was a report that was signed by
16 Dr. Leitzinger but was also worked on by a team of
17 individuals.

18 Q. Are you saying these are not
19 Dr. Leitzinger's words that he chose to reflect his
20 opinion as written?

21 A. No, I'm not saying that.

22 Q. So these are Dr. Leitzinger's words that he
23 chose to reflect his opinion; correct?

24 MR. RUSHING: Object to the form.

25 THE WITNESS: In his report they are his

1 words.

2 BY MR. TALADAY:

3 Q. Now, looking at your report in paragraph 8,
4 these are the words you used in your report that are
5 identical to Dr. Leitzinger's. So you didn't choose
6 new words up to bullet point 8; correct?

7 A. I didn't feel the need to choose new words.
8 I agree with those words.

9 Q. Dr. Johnson, were you hired to endorse
10 Dr. Leitzinger's report?

11 MR. RUSHING: Objection to the form. Can
12 I -- I didn't quite hear that.

13 MR. TALADAY: Yes.

14 BY MR. TALADAY:

15 Q. Dr. Leitzinger, were you hired to endorse
16 Dr. -- excuse me.

17 Dr. Johnson, were you hired to endorse
18 Dr. Leitzinger's report?

19 A. No.

20 MR. RUSHING: Object to the form.

21 THE WITNESS: No, I was not.

22 BY MR. TALADAY:

23 Q. Were you hired to provide an independent
24 opinion?

25 A. I was retained to address the questions in

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1 my assignment and analyze those questions, which I
2 had done.

3 Q. Were you retained to provide an independent
4 report?

5 MR. RUSHING: Object to the form.

6 THE WITNESS: I'm not sure what you mean by
7 "independent report."

8 BY MR. TALADAY:

9 Q. Were you hired to -- anyone other than
10 yourself?

11 A. I'm sorry. Can you say that again?

12 Q. Yes.

13 Were you hired to provide the opinion of
14 anyone other than yourself?

15 MR. RUSHING: Object to the form.

16 THE WITNESS: No, I was asked to present my
17 opinion.

18 BY MR. TALADAY:

19 Q. You weren't hired to provide a communal
20 opinion of you and everyone else at Econ One;
21 correct?

22 MR. RUSHING: Object to the form.

23 THE WITNESS: That's correct. These are my
24 opinions.

25 ///

1 BY MR. TALADAY:

2 Q. You weren't hired simply to reiterate the
3 opinion of Dr. Leitzinger; is that correct?

4 MR. RUSHING: Object to the form.

5 THE WITNESS: I was not.

6 BY MR. TALADAY:

7 Q. And do you contend that this report
8 reflects your independent opinion?

9 MR. RUSHING: Object to the form.

10 THE WITNESS: This report reflects my
11 opinion. I'm not sure what the issue (audio
12 difficulties) the word independent means, but I was
13 not told by counsel or Dr. Leitzinger or anyone else
14 what opinions to take in this matter. These are my
15 opinions.

16 BY MR. TALADAY:

17 Q. So it's your opinion and not anyone else's
18 opinion; correct?

19 MR. RUSHING: Object to the form.

20 THE WITNESS: I wouldn't say it's not
21 anyone else's opinion. I expect that Dr. Leitzinger
22 would agree with me based upon his earlier analysis
23 and maybe others might agree with me as well, but
24 certainly this report reflects my opinions.

25 MR. TALADAY: Can we move -- please move to

1 paragraph 8 of Dr. Leitzinger's report.

2 BY MR. TALADAY:

3 Q. Dr. Johnson, can I ask you to please read
4 paragraph 8 in Dr. Leitzinger's report.

5 A. "CRTs were the dominant technology used in
6 televisions and computer monitors, automated teller
7 machines, gaming devices, measuring instruments and
8 electronic medical devices (collectively 'display
9 products') from the 1950s into the 2000s. Since
10 then, liquid crystal displays ('LCDs' or 'TFT-LCDs')
11 have supplanted CRTs in most display applications."

12 Q. Thank you. Dr. Johnson, can you please
13 read paragraph 10 of your report.

14 A. "CRTs were the dominant technology used in
15 televisions and computer monitors, automated teller
16 machines, gaming devices, measuring instruments and
17 electronic medical devices (collectively 'display
18 products') from the 1950s into the 2000s. Since
19 then, liquid crystal displays ('LCDs' or 'TFT-LCDs')
20 have supplanted CRTs in most display applications."

21 MR. RUSHING: Pardon me, but Dr. Johnson's
22 microphone seemed to have fizzled a bit at the end
23 of that. Is that -- did everybody catch that?

24 BY MR. TALADAY:

25 Q. Dr. Johnson, I'm afraid I'm going to have

1 to ask you to read that again.

2 MR. RUSHING: Pardon me? I can't hear you
3 either, John.

4 BY MR. TALADAY:

5 Q. I said, Dr. Johnson, I'm afraid I'm going
6 to have to ask you to read that again.

7 A. Okay. I apologize if my microphone is not
8 a good amount. Let me try again.

9 "CRTs were the dominant technology used in
10 televisions and computer monitors, automated teller
11 machines, gaming devices, measuring instruments and
12 electronic medical devices (collectively 'display
13 products') from the 1950s into the 2000s. Since
14 then, liquid crystal displays ('LCDs' or 'TFT-LCDs')
15 have supplanted CRTs in most display applications."

16 Q. Dr. Johnson, with the exception of
17 different numbers for the footnotes in that
18 paragraph, would you agree that your language in
19 your report is identical to Dr. Leitzinger's
20 language?

21 A. Yes, I believe the --

22 MR. RUSHING: Object to the form.

23 THE WITNESS: I believe the words in the
24 two paragraphs, with the exception of the footnote
25 number, appear to be the same.

1 BY MR. TALADAY:

2 Q. So the words that Dr. Leitzinger shows in
3 his report are the words that you adopted for your
4 report; is that correct?

5 MR. RUSHING: Object to the form.

6 THE WITNESS: These words that I chose for
7 my report reflect what I feel was appropriate to say
8 in this opening paragraph.

9 BY MR. TALADAY:

10 Q. But it's not just the concept that you
11 agreed with; correct? You used the exact same
12 words.

13 MR. RUSHING: Object to the form.

14 THE WITNESS: I felt no need to
15 artificially choose different words just for the
16 sake of using different words. It conveys the
17 meaning and the words that I wish to convey.
18 They're my words.

19 BY MR. TALADAY:

20 Q. They're your words? Is that what you're
21 saying?

22 MR. RUSHING: Object to the form.

23 THE WITNESS: I put them into my report and
24 I stand behind them. They're my words.

25 ///

1 BY MR. TALADAY:

2 Q. Were they not Dr. Leitzinger's words?

3 MR. RUSHING: Object to the form.

4 THE WITNESS: He put them in his report.

5 They were his words and he stood behind them and
6 notably still stands behind them. But in my report
7 they're my words and I stand behind them.

8 BY MR. TALADAY:

9 Q. But you copied them from Dr. Leitzinger's
10 report; correct?

11 MR. RUSHING: Object to the form.

12 THE WITNESS: I brought material into these
13 reports from a variety of sources, work that I had
14 done and had been done previously and reviewed and
15 reestimated and redid these reports and confirmed
16 that I -- I choose these words and these analyses.
17 So regardless of their origin, they're my words now
18 and I stand behind them.

19 BY MR. TALADAY:

20 Q. But their origin is that they were in
21 Dr. Leitzinger's report and you copied them and put
22 them in your report; is that correct?

23 MR. RUSHING: Objection. I mean, how many
24 times are you going to ask the same question, John?

25 ///

1 BY MR. TALADAY:

2 Q. You can answer, Dr. Johnson.

3 A. We don't disagree that Dr. Leitzinger had
4 these sentences in his report. I'm not writing a
5 novel. I'm presenting opinions on the matters that
6 I was asked to. And these ways of expressing these
7 issues about the industry are ways that I feel are
8 good ways to express them. I felt they were good at
9 the time they were done originally by Dr. Leitzinger
10 and I feel good about them being in this report, my
11 report.

12 Q. When you were preparing and drafting this
13 report, were the words in paragraph 10 of your
14 report copied from Dr. Leitzinger's report?

15 MR. RUSHING: Objection to the form.

16 THE WITNESS: I don't recall whether -- the
17 exact mechanism of how we -- how I brought the words
18 into this report. I don't know that they were
19 copied or retyped. I don't recall the moment that
20 these words first came into being in my first draft.

21 BY MR. TALADAY:

22 Q. It's not a coincidence that the words are
23 identical in your report to Dr. Leitzinger's report,
24 is it?

25 A. No, not at all.

1 MR. RUSHING: Object to form.

2 THE WITNESS: I chose these words because I
3 feel they're good words for expressing what I wish
4 to express in my report.

5 BY MR. TALADAY:

6 Q. You chose them from Dr. Leitzinger's
7 report; correct?

8 MR. RUSHING: Object to the form.

9 THE WITNESS: I -- sure. I chose them from
10 Dr. Leitzinger's report because I felt that these
11 expressed the things that I wanted to express.

12 BY MR. TALADAY:

13 Q. You've never seen these words appear
14 anywhere other than Dr. Leitzinger's report, have
15 you?

16 MR. RUSHING: Object to the form.

17 THE WITNESS: I'm not sure whether or not
18 they might have been quoted in other places that I
19 have seen, maybe in briefs or somewhere else.

20 BY MR. TALADAY:

21 Q. Are you saying that they appear in this
22 form, in this order, in this syntax elsewhere?

23 MR. RUSHING: Object to the form. I
24 mean...

25 THE WITNESS: I don't know for a fact that

1 they do or that they don't. Sometimes reports are
2 quoted in other places by opposing experts or by
3 briefs. You asked me if they did, and I don't know
4 whether or not they do for a fact.

5 BY MR. TALADAY:

6 Q. Dr. Johnson, would you please review
7 paragraph 11 of your report.

8 A. Yes, I'm there.

9 MR. TALADAY: May I ask you, Tom, could you
10 please display paragraph 9 -- you are displaying it,
11 I guess.

12 BY MR. TALADAY:

13 Q. Could you compare those two, Dr. Johnson,
14 and tell me if that is the exact same language with
15 the exception of different footnote numbers?

16 MR. RUSHING: Object to the form.

17 THE WITNESS: Up to the word "deflection,"
18 the words appear to be the same.

19 MR. RUSHING: Pardon me. Which one did we
20 just -- what paragraph did we just do?

21 MR. TALADAY: I was waiting for Dr. Johnson
22 to finish comparing paragraph 9 of Dr. Leitzinger's
23 report to paragraph 11 of his report.

24 MR. RUSHING: Well, I thought you -- oh, I
25 see. You just changed the page because he stopped

1 at the end of the page? I can't see the first part
2 of paragraph 9.

3 MR. TALADAY: Paragraph 9 was not displayed
4 in its entirety, but it's now the second part of it
5 being displayed.

6 MR. RUSHING: And so what are you asking
7 him to do?

8 MR. TALADAY: Geoff, there's a question
9 pending.

10 MR. RUSHING: I thought he answered, but...

11 I take it you want him to read the rest of
12 the paragraph; is that right, John?

13 MR. TALADAY: I believe he's doing that.

14 BY MR. TALADAY:

15 Q. Dr. Johnson, have you finished comparing
16 the paragraph?

17 A. Yes, I just finished.

18 Q. And would you agree that it is identical
19 language?

20 MR. RUSHING: Object to the form.

21 THE WITNESS: I agree that the words are
22 the same in the two paragraphs.

23 BY MR. TALADAY:

24 Q. Isn't it true, Dr. Johnson, that many of
25 the paragraphs in your report are identical or

1 virtually identical to the paragraphs in
2 Dr. Leitzinger's report?

3 MR. RUSHING: Object to the form.

4 THE WITNESS: I think that there certainly
5 are a number of instances where I utilized the same
6 language in my report that Dr. Leitzinger utilized
7 in his report.

8 BY MR. TALADAY:

9 Q. In fact, it's many parts of your report
10 that utilize the exact same language that's in
11 Dr. Leitzinger's report; isn't that correct?

12 MR. RUSHING: Object to the form.

13 THE WITNESS: Yes, I'd agree with that.

14 BY MR. TALADAY:

15 Q. Perhaps even a majority of your report is
16 (audio difficulties) of the language used in
17 Dr. Leitzinger's report; correct?

18 MR. RUSHING: Object to the form.

19 THE WITNESS: I feel that the language that
20 Dr. Leitzinger used, and to the extent that I used
21 the same language he did, I feel that it conveys
22 what I wish to convey in my report well and saw no
23 reason to use different language than that.

24 MR. TALADAY: My apologies. We can go back
25 on the record now, please.

1 MR. RUSHING: I don't understand what just
2 happened.

3 MR. TALADAY: Yeah. So my apologies,
4 Geoff. I got a note that my computer battery was
5 about to die --

6 MR. RUSHING: Oh, I see. Okay. No
7 worries.

8 MR. TALADAY: -- from my network and I had
9 to get a, you know, charge plug into it before it
10 died, so...

11 MR. RUSHING: Okay, no worries.

12 MR. TALADAY: Moment of panic.

13 BY MR. TALADAY:

14 Q. Dr. Johnson, it wouldn't surprise you if a
15 majority of the language in your report was
16 identical to the language in Dr. Leitzinger's
17 report; is that correct?

18 MR. RUSHING: Object to the form.

19 THE WITNESS: I haven't gone through to do
20 an analysis on that, but it wouldn't surprise me,
21 no.

22 BY MR. TALADAY:

23 Q. Is it fair to say, Dr. Johnson, that your
24 report is effectively a redline of Dr. Leitzinger's
25 report?

1 MR. RUSHING: Object to the form.

2 THE WITNESS: No, I wouldn't agree with
3 that. It's -- this report is my report.

4 BY MR. TALADAY:

5 Q. Did you basically take Dr. Leitzinger's
6 report and add some things to it for your report?

7 MR. RUSHING: Object to the form.

8 THE WITNESS: No, I wouldn't agree with
9 that characterization.

10 MR. TALADAY: Tom, could you please display
11 figure 3 on page 8 of Dr. Leitzinger's report.

12 BY MR. TALADAY:

13 Q. Dr. Johnson, this same chart appears in
14 your report as figure 3 on page 8. Did you make any
15 changes to this analysis before including it in your
16 report?

17 MR. RUSHING: Object to the form.

18 THE WITNESS: There were certain analyses
19 that Dr. Leitzinger did where I did a similar
20 analysis, where there had been some changes to the
21 data from when Dr. Leitzinger did the analysis, such
22 as there was some changes in LPD data at points and
23 some analyses that I have done differ from his in
24 that respect.

25 ///

1 BY MR. TALADAY:

2 Q. Is this one of those instances where your
3 analysis differs from his?

4 A. It depends on which report of this it is
5 that you're referencing. I'm not recalling off the
6 top of my head whether -- when he did this analysis
7 in his report, whether it had that LPD data in it or
8 not. That was added after the initial phases of the
9 case.

10 Q. You mentioned LPD data. Can you explain
11 that further, please?

12 A. Well, LG Philips Display is -- was one of
13 the defendants, is one of the coconspirators. And
14 as I recall, I think I have the entity correct as
15 being LPD. At one point there was some additional
16 data that was produced or located that was
17 incorporated into the master dataset that was used
18 in the analysis.

19 Q. Did you use the same master dataset that
20 Dr. Leitzinger used with the exception of the LPD
21 data?

22 A. No, I think we -- I think I and my staff
23 recreated that dataset from the -- from the
24 original -- from the original data.

25 Q. You recreated the dataset from the original

135

1 data? You didn't use the same master dataset; is
2 that correct?

3 MR. RUSHING: Object to the form.

4 THE WITNESS: That's my recollection. If
5 there were -- if there were changes that occurred
6 with the underlying data after he had created his
7 master dataset, we certainly -- certainly would have
8 had that recreated and -- to use the most current
9 data and, in the process of doing this analysis, ran
10 these analyses from the start.

11 BY MR. TALADAY:

12 Q. Let me make sure I'm clear on this. Are
13 you saying, Dr. Johnson, that you would not have
14 simply adjusted the master dataset that
15 Dr. Leitzinger used to reflect the changes to that
16 dataset, but that you would have abandoned that
17 dataset entirely, gone back to the source data for
18 every defendant to recompile that to create a new
19 master dataset?

20 MR. RUSHING: Object to the form.

21 THE WITNESS: Well, I'm not sure the
22 implications of your characterization of abandoning
23 it, but the analysis that is done in this report was
24 done for this report.

25 ///

1 BY MR. TALADAY:

2 Q. Did the analysis that was done for this
3 report build on the dataset that was used by
4 Dr. Leitzinger in his report?

5 MR. RUSHING: Object to the form.

6 THE WITNESS: My recollection would be that
7 my staff would have recreated that dataset and not
8 used the actual data file that Dr. Leitzinger used.
9 So I think that that shouldn't -- that would have
10 been the case, although if the -- I didn't confirm
11 that, but that's my recollection of how we proceeded
12 in this case for this report.

13 BY MR. TALADAY:

14 Q. So it wouldn't surprise you, then,
15 Dr. Johnson, to learn that paragraph 10 of your
16 report was the same as paragraph 8 of Dr. John --
17 excuse me -- of Dr. Leitzinger's report; 11 of your
18 report was the same as paragraph 9 of
19 Dr. Leitzinger's report; paragraph 12 of your report
20 was identical to paragraph 10 of Dr. Leitzinger's
21 report; your paragraph 13 was identical to his
22 paragraph 11; your paragraph 14 was identical to his
23 paragraph 12; and that many other paragraphs, which
24 I would be happy to identify for you, are identical.
25 That wouldn't surprise you if that was the case,

1 would it?

2 MR. RUSHING: Object to the form. I mean,
3 asked and answered among many other things. I don't
4 know how many times we're going to go through this.

5 THE WITNESS: No, it wouldn't surprise me
6 if many of the paragraphs contained many of the same
7 words as Dr. Leitzinger's report.

8 BY MR. TALADAY:

9 Q. Did you rely on Dr. Leitzinger's report in
10 forming your opinions?

11 MR. RUSHING: Object to the form.

12 THE WITNESS: No, I wouldn't say I relied
13 on it. His report and my report share an origin in
14 looking at a lot of the same materials, the same
15 documents and data. And the analysis that is done
16 is done in very common ways.

17 But I don't -- I don't need to cite his
18 report because the analysis and the opinions and the
19 material that support those opinions and analysis
20 are contained within my report.

21 BY MR. TALADAY:

22 Q. So is your testimony you didn't rely at all
23 on Dr. Leitzinger's report to form your opinion?

24 MR. RUSHING: Object to form.

25 THE WITNESS: I'm sorry. You broke up

1 there, at least for me. Could you say that again?

2 BY MR. TALADAY:

3 Q. Yes.

4 So it's your testimony that you did not
5 rely at all on Dr. Leitzinger's report in forming
6 your opinion; is that correct?

7 MR. RUSHING: Object to the form.

8 THE WITNESS: The report is an expression
9 of Dr. Leitzinger's opinion, his report is an
10 expression of his opinions and analysis that he --
11 that's done in his report.

12 My report is a reflection of the analysis
13 done in my report, the materials reviewed in my
14 report, and contains the opinions. It's --
15 Dr. Leitzinger's report is not a source document or
16 a piece of evidence in this case that I would rely
17 on.

18 BY MR. TALADAY:

19 Q. I think you said before that it's no
20 coincidence that some of your language was identical
21 to Dr. Leitzinger's language; is that correct?

22 MR. RUSHING: Object to the form.

23 THE WITNESS: I don't recall whether I said
24 those words or not, but it's -- I wouldn't call it a
25 coincidence.

1 BY MR. TALADAY:

2 Q. So it was purposeful that you used the same
3 words?

4 MR. RUSHING: Object to the form.

5 THE WITNESS: These words do a good job of
6 expressing the opinions that I have and the material
7 that I think is relevant to those opinions, and so I
8 saw no reason to artificially change to different
9 words to express the same opinions that I have.

10 BY MR. TALADAY:

11 Q. (Audio difficulties). I think we get the
12 gist. Thank you.

13 MR. RUSHING: Did somebody just say
14 something?

15 THE WITNESS: It seemed like there was a
16 breakup there. If there was a question, I didn't
17 hear it.

18 BY MR. TALADAY:

19 Q. I just said thank you.

20 Could you please turn to paragraph 27 of
21 your report.

22 A. Yes, I'm there.

23 Q. (Audio difficulties) you state, "To
24 reflect product characteristics, I
25 included information from the transaction data

1 MR. RUSHING: Objection to form.

2 THE WITNESS: No, I did not.

3 BY MR. TALADAY:

4 Q. Okay. In paragraph 51 -- could I ask you
5 to read paragraph 51, please.

6 MR. RUSHING: To himself?

7 MR. TALADAY: No. For the record, please.

8 THE WITNESS: "The target prices that we
9 found through this effort involved a range of CRT
10 types and sizes that accounted for the vast majority
11 of CRT shipments. As shown in Figure 9, the share
12 of shipments represented by the targeted CRTs was
13 over 98 percent for CPTs and over 90 percent for
14 CDTs. This means that price targeting, if effective
15 in influencing actual prices just for the targeted
16 CRTs, would have directly impacted products
17 accounting for about 94 percent of CRT shipments
18 during the Class Period. That result, by itself,
19 goes a long way towards establishing the existence
20 of broad impact on the part of the alleged
21 conspiracy."

22 BY MR. TALADAY:

23 Q. Thank you.

24 So it was your conclusion that over
25 98 percent of CPTs and 90 percent of CDTs would have

1 been directly affected -- their prices would have
2 been directly affected by the target prices.

3 Did I summarize that roughly correctly?

4 MR. RUSHING: Objection. Form.

5 THE WITNESS: Not -- not quite, actually,
6 no. The sentence itself, they're referencing the
7 shared -- shipments represented by targeted CRTs and
8 how substantial those are in the sales of CRTs. So
9 it's -- that's representing the universe of sales of
10 those targeted CRTs.

11 BY MR. TALADAY:

12 Q. Okay. So 98 percent of CPTs were affected
13 by the target prices. Is that an accurate summary?

14 A. Are you asking from my opinion or from my
15 opinion restricted to a certain analysis result?

16 Q. I'm just asking if that's the sum and
17 substance of what paragraph 51 says.

18 MR. RUSHING: Objection to the form.

19 THE WITNESS: So there is a series of steps
20 here that I don't think we should leap over. We
21 have the target price regressions that use the data
22 we have available to run those regressions, and we
23 know that those -- that analysis is limited to the
24 documents that were available. There's holes in
25 that analysis, but it clearly shows that certain

1 types of products were actively and consistently
2 targeted by the cartel members.

3 This paragraph here is talking about the
4 significance of those products within the shipments
5 by defendants.

6 So my opinion is that those products were
7 impacted by the price targeting. That opinion is in
8 part based upon the target price analysis, and also
9 in part based upon other documents that I have seen
10 and depositions referencing the breadth and the
11 extent of the cartel's price fixing efforts.

12 BY MR. TALADAY:

13 Q. The last sentence says that, "That result,
14 by itself, goes a long way towards establishing the
15 existence of a broad impact on the part of the
16 alleged conspiracy."

17 What result is it that you're referring to
18 there?

19 MR. RUSHING: Objection to form.

20 THE WITNESS: It's the result about the
21 share of shipments accounted for by the products
22 which the cartel is known to have targeted, known to
23 have targeted with regard to price communication.

24 BY MR. TALADAY:

25 Q. When a price target is set, how long does

1 it last?

2 MR. RUSHING: Objection to form.

3 THE WITNESS: What do you mean by "how long
4 does it last"?

5 BY MR. TALADAY:

6 Q. For how long is that price target in
7 effect?

8 A. Are you asking me how long the impact of
9 that -- that price -- that collusion persists?

10 Q. No.

11 What I'm asking is, based on your review
12 and analysis of all of the documents reflecting
13 price targets, when the competitors set a price
14 target, for how long typically was that price target
15 intended to be in effect with respect to their sales
16 of products?

17 A. There were frequent meetings. And the
18 meetings (audio difficulties) new price targets. So
19 the -- I think that it depends upon the instance
20 that you're talking about.

21 Q. And there were frequent meetings because --
22 well, why? Why were there frequent meetings?

23 MR. RUSHING: Objection to form.

24 THE WITNESS: I'm not sure of all of the
25 reasons, but the way it's known as a matter of

1 economics, is a monopolist or a cartel will want to
2 adjust its conspiracy price for market conditions,
3 for the discipline in instances there are thought to
4 have been participants who are not fully
5 implementing the cartel price. There could be a
6 whole range of things that cause the cartel to want
7 to make adjustments to its cartel or target price.

8 BY MR. TALADAY:

9 Q. And there are instances with respect to
10 some sizes of some products where new price targets
11 were set almost monthly for periods of time; is that
12 correct?

13 MR. RUSHING: Objection to form.

14 THE WITNESS: I think, yeah.

15 BY MR. TALADAY:

16 Q. And there are instances where you identify
17 multiple price targets for the same product in the
18 same month; isn't that correct?

19 MR. RUSHING: Objection to form.

20 THE WITNESS: There were -- there are
21 instances where there were ranges covering multiple
22 products of a type. And there were, you know,
23 multiple meetings and multiple discussions. So,
24 yes, that might be the case.

25 ///

1 BY MR. TALADAY:

2 Q. Do you think in part that was the result of
3 changing market conditions; is that correct?

4 MR. RUSHING: Objection to form.

5 THE WITNESS: I don't think that's an
6 accurate characterization of my answer.

7 BY MR. TALADAY:

8 Q. I'm sorry, could you repeat that,
9 Dr. Johnson?

10 A. I don't think that's an accurate
11 characterization of my view or the answer to that
12 question.

13 Q. Did you state that market conditions could
14 be one of the reasons -- changing market conditions
15 could be one of the reasons that they would meet
16 frequently to reset price targets?

17 MR. RUSHING: Objection to the form.

18 THE WITNESS: I said that changing market
19 conditions could be one of the reasons for them to
20 adjust prices or price targets, yes.

21 BY MR. TALADAY:

22 Q. Thank you.

23 And there were separate price targets set
24 for different sizes of products; isn't that correct?

25 MR. RUSHING: Object to the form.

1 THE VIDEOGRAPHER: The time is 6:19 p.m.,
2 and we are on the record.

3 BY MR. TALADAY:

4 Q. Dr. Johnson, referring to your figure 9,
5 there would be a substantial portion of the
6 98.16 percent of CDT shipments that would not have
7 been affected by target price; isn't that right?

8 MR. RUSHING: Objection to form.

9 THE WITNESS: I'm not sure whether that's
10 the case or not. We don't have full documentation
11 of every interaction between the defendants, so I
12 don't know that target prices that we utilized is
13 the full universe of target prices.

14 BY MR. TALADAY:

15 Q. Based on the target prices you identified
16 in your analysis, that underpin figure 9, there
17 would be a substantial portion of the 98.16 percent
18 of CDT shipments that were not affected by target
19 prices; isn't that right?

20 MR. RUSHING: Objection to form.

21 THE WITNESS: I'm sorry. What are you
22 saying is the basis for saying that they were not
23 affected by target prices?

24 BY MR. TALADAY:

25 Q. I'm saying based on the target price data

1 that you provided as the basis for your figure 9,
2 there would be a substantial portion of the
3 98.16 percent of CDT shipments -- CDT shipments that
4 would not be affected by target prices; isn't that
5 right?

6 A. I don't really agree with your phrasing of
7 that.

8 Q. In what way don't you agree with my
9 phrasing?

10 A. You're stating as a fact what is and isn't
11 affected by target prices, but I think that we
12 don't -- we don't know the full universe of target
13 prices. We utilize what information we had in the
14 target price regression to identify a relationship
15 between target prices and actual prices. That was
16 the purpose of that analysis.

17 This figure only utilizes -- doesn't
18 utilize the regression per se.

19 What it utilizes is the fact that these are
20 products for which there were target prices, and
21 then we're looking at the importance of these
22 target -- these products within the sales in the
23 datasets we have for defendants.

24 So it doesn't say that they weren't
25 affected by some target pricing. Additionally, the

1 target prices had effects based upon the other
2 analysis that we had done about the relationships to
3 determine CRT prices that go beyond the immediate
4 term and carry over.

5 Furthermore, the activities of the
6 defendants goes beyond just the target pricing, so
7 the real question for this case is about impact.
8 And so the attempt to pare things down by utilizing
9 the extent of the documents that were available to
10 say these were and these were not affected is a
11 mistaken, misdirected approach. It's not a way to
12 say these products weren't affected because there
13 wasn't a document showing a target price when the
14 impact of the conspiracy derives from the array of
15 activities that the defendants took place over time
16 and the effects over time of those activities.

17 Q. So the mistake I'm making is that I am
18 looking solely at the target price analysis
19 represented in figure 9. I am wrong to conclude
20 that the target price analysis is alone -- reflects
21 impact on all the products that you consider in the
22 target price analysis; is that right?

23 MR. RUSHING: Objection to form.

24 THE WITNESS: I don't agree with your
25 phrasing.

1 BY MR. TALADAY:

2 Q. So the mistake I'm making is if I look
3 solely at the target price analysis that doesn't
4 tell me about the impact of the target prices on all
5 of the products involved in the conspiracy; is that
6 right?

7 A. No, you're still misstating my analysis and
8 misstating -- misstating what's been done here.

9 Q. Okay. So what does the target price
10 analysis, standing alone, tell us about the impact
11 of the target prices on all sales of these product
12 sizes?

13 MR. RUSHING: Objection to form.

14 THE WITNESS: When you -- I'm a little bit
15 confused. You keep referring to the target price
16 analysis, are you -- but you're referring to figure
17 9. Or are you referring to the target price
18 regression analysis? What are you referring to?

19 BY MR. TALADAY:

20 Q. No. I'm still focused just -- I apologize.
21 I'm focused just on figure 9.

22 A. Well, I don't characterize figure 9 as the
23 target price analysis. That's your phrasing.

24 Q. So the analysis in figure 9 involving
25 target prices, do you accept that phrase?

1 MR. RUSHING: Objection to form.

2 THE WITNESS: Figure 9 is a summary of the
3 share of sales in the data of the prices -- of the
4 products that were targeted by defendants as
5 reflected in the documents that we had access to
6 that had target prices in them. That's the most
7 accurate way to reflect -- to characterize that
8 figure. So I don't know that you need to
9 recharacterize or rephrase it. I think that it is
10 what it is. I described it a number of times
11 exactly what those -- how that figure is created and
12 what the numbers within that figure mean and how
13 they're derived.

14 MR. TALADAY: Tom, could you please bring
15 back up the spreadsheet. And could you please
16 organize it as we did originally by ascending date,
17 irrespective of any other criteria or field.

18 BY MR. TALADAY:

19 Q. Dr. Johnson, you see this entry for 1995
20 for 14-inch CDTs? Do you see that?

21 A. Yes, I see the entry on line 2.

22 Q. Is it your opinion that that target price
23 standing alone for 14-inch CDTs in 1995 had an
24 impact on the prices of other sizes of CDTs?

25 MR. RUSHING: Objection to the form.

1 THE WITNESS: I don't believe I presented
2 an opinion on the impact of this single target price
3 in anywhere in my report standing alone, as you
4 phrase it.

5 BY MR. TALADAY:

6 Q. Okay. And does this target price for
7 14-inch CDTs in 1995, in your opinion, standing
8 alone, demonstrate an impact on any size of CPT
9 products?

10 A. I don't utilize this entry standing alone
11 to reach a conclusion of impact.

12 Q. So there's nothing about that entry
13 standing alone that would inform us about the impact
14 on other sizes or types of CDTs or CPTs?

15 MR. RUSHING: Objection to form.

16 BY MR. TALADAY:

17 Q. Is that right?

18 A. I don't believe one should look at evidence
19 standing alone in analyzing impact. I believe that
20 one should look at all the evidence, both
21 quantitative evidence, analytical evidence, as well
22 as documentary evidence, and use that evidence
23 together to form the opinions.

24 So it's -- this doesn't stand alone. It
25 stands along with a lot of other evidence about the

1 activities of the cartel and a lot of other evidence
2 about their meetings, their agreements about
3 production restraints, their agreements about target
4 prices, their characterizations of their activities.

5 So I don't present -- I don't believe an
6 analysis that one should use a single entry on a
7 document to stand alone to reach an opinion. I
8 believe you should use all of the evidence that's
9 available and weigh that evidence together, and that
10 is what I have done in presenting my opinions.

11 Q. Thank you, Dr. Johnson. That wasn't my
12 question, so please listen to my question and try
13 and answer the question I'm asking. Okay?

14 MR. RUSHING: Objection, John. You asked
15 your question and he'll answer it if it's a coherent
16 question.

17 MR. TALADAY: All I'm asking him to do is
18 answer the question I ask.

19 BY MR. TALADAY:

20 Q. So here's the question, Dr. Johnson.

21 Is there anything about that entry standing
22 alone that would inform us about the impact of
23 target prices on other sizes or types of CDTs or
24 CPTs?

25 MR. RUSHING: Objection to the form.

1 THE WITNESS: Can you tell me more what you
2 mean by standing alone? We're looking at a
3 spreadsheet. So standing alone, what do you mean by
4 that?

5 BY MR. TALADAY:

6 Q. What I mean by that is when you see this
7 one entry of a target price for 14-inch CDTs in
8 1995, does that inform you about whether there is an
9 impact on that target price on other sizes or types
10 of CDTs, either in 1995 or in other years, without
11 reference to the other factors that you believe
12 should come into play?

13 A. What does this --

14 MR. RUSHING: Objection to the form.

15 THE WITNESS: I'm not sure I understand
16 what this entry means standing alone. I think I
17 have to utilize other information to be able to
18 interpret what this data means.

19 BY MR. TALADAY:

20 Q. So that -- are you saying that you cannot
21 reach any conclusions based on that single entry?

22 MR. RUSHING: Objection to the form.

23 THE WITNESS: Standing alone, what does CDT
24 mean? I have to utilize other information to know
25 what CDT means. What is the market we're talking

1 about here? Standing alone I don't know what we're
2 talking about. You're telling me to have it
3 standing alone, but I don't know where the line is
4 drawn. What is it you mean by this entry standing
5 alone? What is it that I know about this entry?

6 BY MR. TALADAY:

7 Q. Okay. Well, let's move to figure 17 on
8 page 53.

9 A. Yes, I'm on page 53.

10 Q. Thank you.

11 Can you explain what figure 17 represents?

12 MR. RUSHING: Objection to the form.

13 THE WITNESS: Excuse me. Figure 17 is the
14 quarterly weighted average actual and but-for prices
15 for CDTs between second quarter of 1995 and the
16 fourth quarter of 2007.

17 BY MR. TALADAY:

18 Q. And what do you mean by but-for prices?

19 A. Taking the prices that occur in the
20 defendants' transactional data and applying to them
21 the -- adjusting them for the overcharge found by
22 the overcharge regression. This is what the price
23 is per the overcharge regression are -- would have
24 been applying those -- applying that adjustment.

25 Q. So this is what you would expect to be the

1 Were you aware of Chinese price regulations
2 that set a floor price for certain sizes of CRT
3 tubes?

4 MR. RUSHING: Objection to form.

5 THE WITNESS: No, I'm not -- I'm not
6 familiar with those sorts of regulations.

7 MR. TALADAY: All right. I'm done with
8 this document.

9 Tom, I would ask you to publish the other
10 document that we discussed which will be marked as
11 Exhibit 8551. And publish it when you can, Tom.

12 (Exhibit 8551 was marked for identification
13 by the Certified Shorthand Reporter, and a
14 copy is attached hereto.)

15 MR. TALADAY: And, Geoff, for your
16 purposes, this document was an exhibit to one of our
17 motions filed, you can see 12/21/2017.

18 And, Tom, can you please go to the next
19 page. And the next, please.

20 MR. RUSHING: And are we -- are we marking
21 this? Has this got an exhibit number?

22 MR. TALADAY: Yeah, I believe I identified
23 this as Exhibit 8551.

24 BY MR. TALADAY:

25 Q. Have you had a chance to review this page,

1 Dr. Johnson?

2 A. Sorry. Give me a moment to finish
3 reviewing this.

4 Okay. I've read the paragraph.

5 Q. I'm going to spare you, Dr. Johnson. I
6 will read this paragraph instead of asking you to do
7 it, or at least portions of it.

8 So this is addressed -- there's a date at
9 the top of the year 2000. There is a note that
10 says -- a line that says, "To color CRT
11 manufacturing enterprises." And it says, it reads,
12 "To prevent actions of unfair price competition in
13 the color CRT industry and maintain a normal market
14 order, the industrial average production costs of
15 three types of color CRTs, i.e. 21 inches, 25 inches
16 and 29 inches, are hereby published (see the
17 attached table for details) pursuant to the Trial
18 Measures to Prevent Unfair Price Competition
19 Regarding Color CRTs and Color TVs by the State
20 Planning Commission and the Ministry of Information
21 Industry. All color CRT manufacturing enterprises
22 are asked to seriously implement the costs. In the
23 case where a manufacturing enterprise sells the
24 products at prices lower than the published
25 industrial average production costs to cause market

1 disorders and harm the interests of other
2 manufacturing enterprises, a harmed enterprise may
3 file a report with the State Planning Commission or
4 a competent department in charge of prices of a
5 province, autonomous region or municipality directly
6 under the Central Government. In the cases where it
7 is confirmed through investigation that there is
8 indeed an action of unfair price competition, a
9 competent government department in charge of prices
10 shall order the responsible party to correct and
11 impose penalties according to specific situations."

12 Did I read that roughly accurately,
13 Dr. Johnson?

14 MR. RUSHING: Objection to form. I mean,
15 go ahead.

16 THE WITNESS: I didn't listen to the whole
17 paragraph with an eye towards correcting, you know,
18 misstatements or misphrasings that you may have had,
19 so I don't want to be the -- that's what you have
20 the court reporter for. But I see the document here
21 and I can read the document if I need to.

22 BY MR. TALADAY:

23 Q. Were you aware of pricing regulations
24 established by the State Planning Commission and
25 administrative information industry on color CRT

1 manufacturing enterprises in the year 2000?

2 MR. RUSHING: Objection to form.

3 THE WITNESS: I don't recall as I sit here
4 having a great deal of information about that. I
5 may have heard something about an issue there at
6 some point, and I may have -- I may have seen this
7 document before. I don't really recall as I sit
8 here.

9 BY MR. TALADAY:

10 Q. Okay. It is possible, isn't it,
11 Dr. Johnson, that these price regulations, to the
12 extent that they imposed a price floor for CRT
13 manufacturers, could have impacted the ability of a
14 defendant subject to these regulations to charge the
15 but-for prices in your analysis; isn't that right?

16 MR. RUSHING: Objection to form.

17 THE WITNESS: I'm not really sure without
18 knowing anything about the constraints that they
19 purport to impose here about particular costs, how
20 this compared to prices and whether -- how they were
21 enforced or not enforced. I mean, I suppose it's
22 also possible that if the market prices had been
23 different, maybe this ministry would have undertaken
24 a different action. You know, it's -- this is --
25 this was issued in the context of the actual prices.

1 In a but-for world, I don't know whether this -- if
2 it had some -- posed some serious constraint,
3 whether that constraint would have been the same or
4 have had to have been revised. I really don't have
5 the context to do a but-for analysis on this
6 document.

7 BY MR. TALADAY:

8 Q. Would it have mattered to you in your
9 assessment of overcharges whether there were price
10 regulations establishing price floors above your
11 but-for prices?

12 MR. RUSHING: Objection to form.

13 THE WITNESS: My analysis utilized actual
14 prices. So if there were things that affected
15 actual prices, it would be -- would be reflected or
16 would have impact on that analysis. To the extent
17 that there are significant events in the global
18 market, I'm not sure that the actions of the
19 Ministry of Information in China by itself would
20 have been substantial to have a measurable
21 substantial effect on the analysis of global CRT
22 prices and the global CRT overcharge.

23 So I don't -- I would be surprised if
24 information of this type would have had an impact
25 on -- substantial impact on my analysis.

1 BY MR. TALADAY:

2 Q. And you say that having not been aware of
3 these and having done no analysis of whether they
4 had an effect; right?

5 MR. RUSHING: Objection to form.

6 THE WITNESS: Well, they were the prices
7 that I had utilized in my analysis, so I utilized
8 them to that extent, but I don't see how this would
9 result in an impact on the analysis of prices paid
10 by class members or prices in the global market of
11 any substantial -- to any substantial extent.

12 BY MR. TALADAY:

13 Q. But you didn't analyze that at all, did
14 you?

15 MR. RUSHING: Objection to form.

16 THE WITNESS: No, I haven't analyzed the
17 impact of the Ministry of Information's regulations
18 on what Irico's prices would have been. I didn't
19 have Irico's transaction data because they didn't
20 provide it.

21 BY MR. TALADAY:

22 Q. Thank you.

23 Can we move on to your report?

24 MR. TALADAY: Tom, you can take that down,
25 please.

DEPOSITION OFFICER'S CERTIFICATE

COUNTY OF LOS ANGELES,)

STATE OF CALIFORNIA,)

I, Cody R. Knacke, hereby certify:

I am a duly-qualified Registered Professional Reporter and Certified Shorthand Reporter in and for the State of California, holder of Certificate Number CSR 13691, issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is

1 a true record of the testimony given by the witness.
2 (Fed. R. Civ. P. 30(f)(1)).

3 If requested, any changes made by the
4 deponent (and provided to the reporter) during the
5 period allowed, are appended hereto. (Fed. R. Civ.
6 P. 30(e)).

7 In witness whereof, I have hereunto set my
8 hand this day: _____, 2022.

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13 

14 _____
15 CODY R. KNACKE, RPR, CSR No. 13691
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1 READ/SIGN DEPOSITION OF: Phillip M. Johnson

2 DATE OF DEPOSITION: 01/11/2022

3 IN THE MATTER OF: In Re: Cathode Ray Tube Antitrust Litigation

4 DO NOT WRITE ON THE DEPOSITION ITSELF

5 Page Line Changes or corrections and reason

6 26:15 "hypothetical that" to "hypothetical what" Transcript error

7 26:16 "that result" to "what result" Transcript error

8 30:11 "which you'll see data" to "which you'll see in the data" Transcript error

9 30:21 "have the compatibility" to "have the capability" Transcript error

10 45:19 "wasn't necessarily" to "wasn't necessary" Transcript error

11 47:24 "from any defendant" to "from any defendant and co-conspirator" Misspoken

12 48:6 "purchasers, data" to "purchasers that can be made from the data" Transcript error

13 50:1 "their experts" to "other experts" Transcript error

14 57:16 "expects to how" to "expects in how" Transcript error

15 60:6 "Are the, I guess" to "They are the, I guess" Transcript error

16 64:9 "accepted for lots" to "accepted with lots" Misspoken

17 70:25 "defendant employees" to "defendant and co-conspirator employees" Misspoken

18 90:12 "it's used in the project called" to "it's called" Misspoken

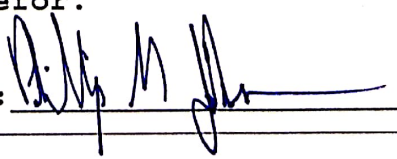
19 92:4 "If doing" to "In doing" Transcript error

20 97:8 "When you say in more" to "When you say more" Misspoken

21 97:22 "the pricing experience of price" to "the pricing experience" Misspoken

22 99:24 "are those connections" to "are there connections" Transcript error

23 I have inspected and read my deposition and
24 have listed all changes and corrections above,
along with my reason therefor.

DATE: 2/18/2022 SIGNATURE: 

1 READ/SIGN DEPOSITION OF: Phillip M. Johnson
2 DATE OF DEPOSITION: 01/11/2022
3 IN THE MATTER OF: In Re: Cathode Ray Tube Antitrust Litigation

4 DO NOT WRITE ON THE DEPOSITION ITSELF

5 Page Line Changes or corrections and reason
6 100:25 "Talk about" to "I talk about" Transcript error
7 101:1 "and those being collusion" to "and those being part of collusion" Transcript error
8 142:10 "progression results" to "regression results" Transcript error
9 143:12 "carry within different" to "carry with them different" Transcript error
10 152:4-5 "documents I record in the notes" to "documents on record reflecting the notes" Transcript error
11 166:16-19 "or is utilized in the data that utilizes" to "or utilizes the data" Misspoken
12 169:6 "they're referencing" to "is referencing" Misspoken
13 178:20 "informative or" to "informative of" Transcript error
14 190:25 "shared shipments" to "share of shipments" Transcript error
15 199:6 "instructed the staff" to "I instructed the staff" Transcript error
16 199:8 "of the other product" to "of the product" Transcript error
17 222:11 "ascending by size" to "ascending order by size" Transcript error
18 226:3 "used them identically" to "used them ideally" Transcript error
19 241:20 "can be different" to "can't be different" Transcript error
20 243:12 "It limits its analysis" to "It limited the analysis" Transcript error
21 251:6 "they were the prices" to "there were the actual prices" Misspoken

22 I have inspected and read my deposition and
23 have listed all changes and corrections above,
24 along with my reason therefor.

DATE: 2/18/2022

SIGNATURE:

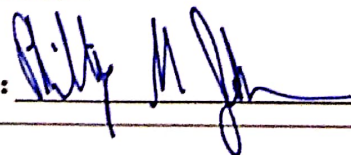


EXHIBIT 2

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January 26, 2022

VIA EMAIL

Evan J. Werbel
Baker Botts LLP
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evan.werbel@bakerbotts.com

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation* – MDL No. 1917,
Master File No. 07-CV-5944-JST

Dear Evan:

We write regarding the Irico Defendants' opposition to Direct Purchaser Plaintiffs' ("DPPs") motion for class certification.

First, DPPs would like to take the deposition of Dr. Robert Willig, whose 2013 report is cited in the Irico Defendants' opposition. DPPs propose to depose Dr. Willig on February 8, 9, or 10, 2022, and to extend the expert discovery cut off date of February 4, 2022 accordingly. Please confirm that Irico has retained Dr. Willig and that he is available on one of those dates. Please let us know the answers to these questions as soon as possible.

Second, please produce all of the data and information required by paragraph 1 of the Stipulation and Order Regarding Procedures Governing Expert Discovery (ECF No. 583) ("Expert Stipulation"). We expect that this will include any work materials used to create the charts on page 16 of Irico's opposition brief. While we understand that the source for the charts is "Target Price Backup Data supplied by Dr. Johnson," we believe that the Expert Stipulation requires your clients to produce any underlying spreadsheets or other materials used to create the charts. *See* ECF No. 583 ¶ 1 ("Data or other information relied upon' shall be deemed to include, but will not be limited to, underlying data, ***spreadsheets***, computerized regression analysis and/or ***other underlying reports and schedules*** sufficient to reconstruct the expert witness's work") (emphases added).

Thank you.

Evan J. Werbel

1/26/2022

Page 2

Very truly yours,

s/ Geoffrey C. Rushing

Geoffrey C. Rushing

Cc: John M. Taladay
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Drew Lucarelli
Kaylee Yang
R. Alexander Saveri
Matthew D. Heaphy
Mario N. Alioto
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EXHIBIT 3

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January 27, 2022

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VIA E-MAIL (GEOFF@SAVERI.COM)

Geoffrey C. Rushing
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San Francisco, CA 94111

Re: In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Master File
No. 07-CV-944-JST

Dear Geoff:

I write in response to your January 26, 2022 letter regarding the Irico Defendants' opposition to Direct Purchaser Plaintiffs ("DPPs") motion for class certification.

As to your request to depose Dr. Willig, the Irico Defendants have not retained Dr. Willig in this matter. We cited Dr. Willig's expert report that he filed regarding class certification from a previous related case as a reference for the Court in its consideration of the class certification issues. In that expert report, Dr. Willig analyzed the findings of Dr. Leitzinger, whose analysis was largely copied by DPPs' current expert witness, Dr. Johnson. DPPs had the opportunity to depose Dr. Willig at the time his initial report was filed.

Also, the Irico Defendants have not proffered any expert testimony pursuant to FRCP 26(a)(2) at this time. The Stipulation and Order regarding Procedures Governing Expert Discovery (ECF No. 583) is therefore inapplicable. As DPPs acknowledge, the Irico Defendants have already disclosed that the source of the information depicted in the charts on page 16 of the Irico Defendants' opposition brief was the target price backup data supplied by Dr. Johnson.

Sincerely,

/s/ Evan Werbel
Evan Werbel

BAKER BOTTS_{LLP}

Geoffrey C. Rushing

- 2 -

January 27, 2022

cc: R. Alexander Saveri
Matthew D. Heaphy
Lauren C. Capurro
Mario N. Alioto
Daniel E. Birkhauser